



DAE
JFW

PATENT
Atty. Docket No.: 203-654 CIP II CON III
(1583 CIP II CON III)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bennett et al.

Examiner: Buttner, David J.

Serial No.: 10/630,945

Group Art Unit: 1712

Filed: July 30, 2003

Dated: July 29, 2005

For: **Bioabsorbable Branched polymers Containing Units Derived From Dioxanone and Medical Surgical Devices Manufactured Therefrom**

Box Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.78 TO ACCEPT AN UNINTENTIONAL DELAYED
CLAIM UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR FILED
APPLICATION**

Sir:

Applicants hereby petition for the benefit of earlier filed U.S. Application Serial No. 09/934,639 filed August 22, 2001, now abandoned, which is a continuation of copending U.S. application serial No. 09/282,724 filed March 31, 1999, now U.S. Patent No. 6,339,130, which is a continuation of application No. 08/733,683, filed on October 17, 1996, now abandoned, which is a continuation-in-part of application No. 08/477,098, filed on June 7, 1995, now U.S. Patent No. 5,578,622, which is a continuation-in-part of application No. 08/278,898, filed on July 22, 1994, now abandoned.

U.S. Application Serial No. 09/934,639 was inadvertently omitted from the original claim for priority under 35 U.S.C. §120, having U.S. Application Serial No. 09/282,724 incorrectly

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2005.

Dated: July 29, 2005

Jennifer J. Puente

10630945

08/02/2005 TBESHQH1 00000040 210530

01 FC:1454 1370.00 DA

listed on the Utility Patent Application Transmittal. The entire delay between the date the claim for priority was due and the date the claim for priority was filed was unintentional. Submitted with this petition is a copy of the concurrently filed amendment in response to the Office Action mailed April 29, 2005. The amendment changes the first page of the specification to include reference to the applications identified in this petition as required under 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2). Applicants note that only those parent applications that were incorporated by reference at the time the instant patent application was filed have been included with the benefit claim. Thus, the incorporated-by-reference statement in the benefit claim adds no new matter and is appropriate. See for example, Page 1, lines 9-14 of the instant specification.

Please charge the fee of \$1,370.00 as set forth in 37 C.F.R. §1.17(t) and in 37 C.F.R. §1.78(a)(3)(ii) to Deposit Account 21-0550. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

The Commissioner is authorized to charge any deficiencies as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayments of such fee(s) to Deposit Account 21-0550. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,



Peter DeLuca
Registration No. 32,978
Attorney for Applicant

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
MWK/jjp